

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CORDELL CURRY STEWART,

8:08CV257

Petitioner,

v.

**MEMORANDUM  
AND ORDER**

TOM P. MCKENNEY, STATE OF  
NEBRASKA, and DOUGLAS  
COUNTY PROSECUTORS  
OFFICE,

Respondents.

The court must conduct an initial review of the Petition for Writ of Habeas Corpus ([filing no. 1](#)) to determine whether the claims made by the petitioner are, when liberally construed, potentially cognizable in federal court. However, the court notes that the petitioner did not use the Form AO 241, Petition for Writ of Habeas Corpus by a Person in State Custody, but rather submitted a five-page petition that does not clearly indicate the grounds alleged.

The petition must “substantially follow either the form appended to [the] rules, or a form prescribed by a local district-court rule.” *See* Rule 2 of the [Rules Governing Section 2254 Cases in the United States District Courts](#). The petitioner’s petition does not substantially follow any form and does not clearly indicate the grounds alleged. Thus, the pending Petition for Habeas Corpus ([filing no. 1](#)) is deemed insufficient and the court will not act upon it. However, on its own motion the court will grant the petitioner 30 days in which to amend his petition using Form AO 241. The court cautions the petitioner that failure to adequately comply with this order may result in dismissal of his petition without further notice.

IT IS THEREFORE ORDERED that:

1. The pending Petition for Habeas Corpus is deemed insufficient and the court will not act upon it.
2. On or before July 25, 2008, the petitioner shall submit a completely new amended Petition for Writ of Habeas Corpus that is originally signed under penalty of perjury. In the amended petition, the petitioner shall specify the grounds for relief, state the facts supporting each ground, and state the relief requested. The petitioner is warned that the failure to comply with this order may result in dismissal of this petition without further notice.
3. The clerk of the court is directed to send to the petitioner Form AO 241 packet, Petition for Relief From a Conviction or Sentence By a Person in State Custody.
4. The clerk of the court is directed to set a pro se case management deadline in this case with the following text: July 25, 2008: deadline for the petitioner to submit amended petition.

Dated June 27, 2008.

BY THE COURT

s/ Warren K. Urbom  
United States Senior District Judge